

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to refer to the accreditation of foreign diplomatic personnel assigned to the United States, and to the registration of nondiplomatic staff members employed by diplomatic missions. The Department of State has observed that it is necessary and useful periodically to reiterate and clarify the standards for accreditation and herein restates and expands the criteria set forth in its notes dated December 12, 1974, and June 17, 1977.

The Secretary of State wishes to remind the Chiefs of Mission that the accreditation of diplomats and the registration of staff members employed by diplomatic missions is solely within the discretion of the Department of State, subject to the criteria set forth below. Requests for exceptions to the general guidelines will be considered infrequently and only in extenuating circumstances. Such requests must be forwarded in the form of a diplomatic note to the Department and must set forth in detail the exact nature of the exception requested, justification for such exception, the duration thereof, and possible alternative courses of action.

So that the accreditation policy of the United States Government may be uniformly a matter of record for all missions, the criteria governing accreditation are set forth as follows:

**"DIPLOMATIC AGENTS"**

To be recognized as a "diplomatic agent", and in order to retain such status, a person must: (1) possess a valid diplomatic passport if diplomatic passports are issued by his government or, if diplomatic passports are not issued, present a diplomatic note from the mission formally representing the intention of the sending government to assign to him diplomatic duties; (2) possess a recognized diplomatic title; (3) be a holder of an A-1 nonimmigrant visa; (4) be over 21 years of age; (5) with the exception of certain designated senior financial, economic, and commercial positions in New York City or certain other positions expressly agreed to by the Department, reside in the Washington, D.C. area (the District of Columbia, Montgomery, Prince Georges, Charles, Frederick, and Calvert Counties in Maryland; Arlington, Fairfax, Loudoun, Prince William and Stafford Counties, and the cities of Alexandria and Falls Church in Virginia); and (6) devote official activities to diplomatic functions on an essentially full-time basis.

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To be recognized as such and to retain such status, a person must: (1) possess an A-2 or A-3 visa; (2) perform duties with the diplomatic mission full-time; and (3) reside in the Washington, D.C. area.

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For "diplomatic agents", the only exception to the requirement to reside in the Washington, D.C. area, is residence in the New York City area, which is permissible only upon the express agreement of the Department that such persons may be assigned to perform specific functions in New York City. However, no such exception exists for "members of the administrative and technical staff". Accordingly, persons employed by the sending State in support of "diplomatic agents" residing outside the Washington, D.C., area have no claim to the privileges and immunities provided in the Vienna Convention on Diplomatic Relations. They have only such privileges and immunities as expressly agreed upon by the United States and the sending State of the "diplomatic agent".

The Department reiterates the emphasis placed on the performance of traditional and accepted diplomatic functions by recognized foreign diplomatic personnel assigned to the United States. Accordingly, the Department will not consider for accreditation any person who, during assignment in the United States, is, or will be, a student or trainee at any college, university, vocational school, military institution, or private or governmental foundation, or who is engaged in any pursuit inconsistent with regular and accepted diplomatic functions.

In the past some governments have selected officials for assignment to the United States who, following arrival and subsequent recognition as diplomats by the Department of State, have entered upon intergovernmental military training courses or have been assigned for training at private research institutions. This practice also is unacceptable. Each mission is required to notify the Department promptly whenever any of its personnel terminate diplomatic duties to engage in nondiplomatic pursuits and should return immediately all diplomatic credentials issued to such persons.

Occasionally the Department learns of persons who, although accredited as diplomatic agents, are performing duties principally, if not solely, under contract at or by appointment with international organizations headquartered in Washington. Although the Vienna Convention on Diplomatic Relations (Article 5, paragraph 3) states that members of the diplomatic staffs of missions also may act as representatives to international organizations, the Convention provides no basis for them to serve on the staffs of international organizations. The Department of State views such service as incompatible with the functions of a diplomat, whose principal concern must be to assist in the conduct of bilateral relations between the sending State and the United States. Accordingly, the Department will require the return of all diplomatic credentials issued to any such individual and will delete his name from the Diplomatic List. A person who is duly accredited to the staff of an international organization will have only such privileges and immunities as are provided by U.S. law or by international agreement to the staff of the international organization concerned.

Finally, the Department reminds missions that privileges and immunities are not extended in the United States to persons assigned to temporary duty at a mission for a brief period of time. Missions are advised that it is recommended that such temporary visitors be notified to the Department of State nonetheless because, as "official guests", they are entitled to certain protections under U.S. domestic law.

Department of State,

Washington,

May 1, 1985

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